

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the subject application. The Non-Final Office Action of October 28, 2003 has been received and its contents carefully reviewed.

Applicant hereby amends claims 6 and 12 and respectfully submits no new matter has been entered.

In the Office Action, the Examiner rejected claims 1 and 2 under 35 U.S.C. § 103(a) as being unpatentable over Takeishi (U.S. Patent Application No. 2001/0005240) in view of Moon (U.S. Patent No. 6,392,626), Kumagai (JP Publication No. 09-034381), Takahashi et al. (JP Publication No. 07-239449), and Iizumi (U.S. Patent No. 4,850,228); rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Takeishi in view of Moon, Kumagai, Takahashi et al., and Iizumi and further in view of Adachi et al. (U.S. Patent No. 6,025,901); rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Takeishi in view of Moon and Kumagai and further in view of Imaeda (U.S. Patent No. 6,025,644); rejected claims 8 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Takeishi in view of Kumagai and Imaeda and further in view of Hung et al. (U.S. Pat. No. 6,188,568); and rejected claims 9 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Takeishi in view of Kumagai, Imaeda, and Hung et al., and further in view of Adachi et al.; rejected claims 12, 13, and 17-20 under 35 U.S.C. § 103(a) as being unpatentable over Takeishi in view of Yoshii et al. (U.S. Patent No. 6,388,722), Takahashi et al., Iizumi, and Huang (U.S. Patent No. 5,179,856); rejected claims 21-26 under 35 U.S.C. § 103(a) as being unpatentable over Takeishi in view of Yoshii et al. and Imaeda; and objected to claims 4-6, 14-16, and 27-30 as being dependent upon a rejected base claim, but would be allowable if rewritten in

independent form including all of the limitations of the base claim and any intervening claims. The rejections of the claims are traversed and reconsideration of the claims is respectfully requested in view of the following remarks.

As a preliminary matter, Applicant thanks the Examiner indicating allowable subject matter in claims 4-6, 14-16, and 27-30. The rejection of claims 1 and 2 under 35 U.S.C. § 103(a) as being unpatentable over Takeishi in view of Moon, Kumagai, Takahashi et al., and Iizumi, however, is respectfully traversed and reconsideration is requested.

Claim 1 is allowable over Takeishi in view of Moon, Kumagai, Takahashi et al., and Iizumi in that claim 1 recites a combination of elements including, for example “a structure in the shield cover at a position over the variable resistor that is openable for adjusting the common voltage.” Neither Takeishi, Moon, Kumagai, Takahashi et al., nor Iizumi, singly or in combination, teaches or suggests at least this feature of the claimed invention. Accordingly, Applicants respectfully submit that claim 2, which depends from claim 1, is also allowable over Takeishi in view of Moon, Kumagai, Takahashi et al., and Iizumi.

Further, the Examiner cites Takeishi as failing “...to disclose the cover configuration and the shield cover position configurations.” To cure the deficiencies of Takeishi, the Examiner cites Moon as disclosing “...a liquid crystal display device having different common voltages where the required shield cover is disclosed.” The Examiner further cites Kumagai as disclosing “...a structure for attaching variable resistor to liquid crystal display section where the required cover position structure is disclosed;” Takahashi et al. as disclosing “a laser pointer wherein the required openable structure;” and Iizumi as disclosing “a pressure meter where the required openable structure in the required manner.” In concluding the rejection, the Examiner states it would have been obvious to “...include the

required cover configuration and the cover position configuration in [Takeishi] as taught by [Moon], [Kumagai], [Takahashi et al.], and [Iizumi] respectively, in order to have a liquid crystal display device with better performance.”

As the Examiner is no doubt aware, a *prima facie* case of obviousness is established when three basic criteria are met, two of them being (1) that the references when combined must teach or suggest all the claim elements; and (2) that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. See, for example, M.P.E.P. § 2143.

In applying the first prong of the obviousness analysis cited above, and after a thorough review of the secondary references to Moon, Kumagai, Takahashi et al., and Iizumi, Applicant respectfully submits the aforementioned secondary references, singly or in combination, fail to cure the deficiencies of Takeishi in that they fail to teach or suggest a shield cover including a structure arranged over a variable resistor that is openable for adjusting the common voltage, as alleged by the Examiner.

In the Reply Under 37 CFR § 1.111 filed on July 23, 2003, the Applicant respectfully requested the Examiner to clarify where the claim element mentioned above is disclosed by the applied secondary references. In the outstanding Office Action, however, the Examiner merely repeated the previous conclusion and added more secondary references, concluding again that the deficiencies of Takeishi are shown in the newly added references. According to M.P.E.P. § 707.07(f), however, an Examiner must provide clear explanations of all actions taken during prosecution of an application to provide a complete application file history and to enhance the clarity of the prosecution history record. Moreover, where the Applicant

traverses any rejection, the Examiner if he or she repeats the rejection, take note of the Applicant's argument and answer the substance of the argument.

Accordingly, by merely re-stating old conclusions and providing new conclusive statements, both unsupported by any factual evidentiary support, Applicant respectfully submits that the Examiner has failed to take note of the arguments and requests submitted in the Reply Under 37 CFR 1.111 filed July 25, 2003 which are also similarly presented in the present Reply Under 37 CFR 1.111. Further, Applicant respectfully requests the Examiner to clarify how the aforementioned secondary references are being interpreted in a manner that they would obviate the claimed invention when combined with Takeishi.

Moreover, and assuming *arguendo* that Moon, Kumagai, Takahashi et al., and Iizumi each cure the deficiencies of Takeishi, Applicants respectfully submit there is no permissible motivation or suggestion to combine the teachings of any of the secondary references with Takeishi to arrive at the claimed invention (the second prong of the obviousness analysis described above). According to M.P.E.P. § 2144, sources of rationale for combining references may be derived from: (1) a recognition, expressly or impliedly in applied references; (2) drawn from a convincing line of reasoning based on established scientific principles; or (3) legal precedent, wherein such sources indicate that some advantage or expected beneficial result would have been produced by their combination. Applicant respectfully submits, however, that the apparently boilerplate statement used by the Examiner, suggesting the combination of Takeishi and the alleged teachings of the aforementioned secondary references with Takeishi would have been obvious "in order to have a liquid crystal display device with better performance," is merely a conclusion and is unsupported by any of the aforementioned sources of rationale. In the absence of any

requisite rationale supporting the combination of Takeishi with Moon, Kumagai, Takahashi et al., and Iizumi, Applicant respectfully submits the aforementioned references have merely been combined together using the presently claimed invention as a template via improper hindsight reasoning.

The rejection of claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Takeishi in view of Moon, Kumagai, Takahashi et al., Iizumi and further in view of Adachi et al. is respectfully traversed and reconsideration is requested.

Claim 3 includes all of the elements of claim 1, as discussed above, and Takeishi in view of Moon, Kumagai, Takahashi et al., and Iizumi fails to teach or suggest at least these features of independent claim 1 as recited above. Similarly, Adachi et al. fails to cure the deficiencies of Takeishi in view of Moon, Kumagai, Takahashi et al., and Iizumi. Accordingly, Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness regarding claim 3 in view of claim 1, as above.

The rejection of claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Takeishi in view of Kumagai and Imaeda is respectfully traversed and reconsideration is requested.

Claim 7 is allowable over Takeishi in view of Kumagai and Imaeda in that claim 7 recites a combination of elements including, for example “[a] shield cover for a liquid crystal display (LCD), wherein the LCD includes a printed circuit board (PCB) at a rear of a display module, comprising: a covering structure over the PCB; and a slit in the covering structure over the PCB.” Neither Takeishi, Kumagai, nor Imaeda, singly or in combination, teaches or suggests at least these features of the claimed invention.

Further, claim 7 was rejected in a manner similar to that in which claim 1 was rejected. Accordingly, the arguments and requests set forth above with respect to claim 1 are equally applicable to the rejection of claim 7.

The rejection of claims 8 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Takeishi in view of Kumagai and Imaeda and further in view of Hung et al. is respectfully traversed and reconsideration is requested.

Claims 8 and 10 include all of the elements of claim 7, as discussed above, and Takeishi in view of Kumagai and Imaeda fails to teach or suggest at least these features of independent claim 7 as recited above. Similarly, Hung et al. fails to cure the deficiencies of Takeishi in view of Kumagai and Imaeda. Accordingly, Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness regarding claims 8 and 10 in view of claim 7, as above.

The rejection of claims 9 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Takeishi in view of Kumagai, Imaeda, Hung et al. and further in view of Adachi et al. is respectfully traversed and reconsideration is requested.

Claims 9 and 11 include all of the elements of claim 7, as discussed above, and Takeishi in view of Kumagai, Imaeda, and Hung et al. fails to teach or suggest at least these features of independent claim 7 as recited above. Similarly, Adachi et al. fails to cure the deficiencies of Takeishi in view of Kumagai, Imaeda, and Hung et al. Accordingly, Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness regarding claims 9 and 11 in view of claim 7, as above.

The rejection of claims 12, 13, and 17-20 under 35 U.S.C. § 103(a) as being unpatentable over Takeishi in view of Yoshii et al., Takahashi et al., Iizumi, and Huang is respectfully traversed and reconsideration is requested.

Claim 12 is allowable over Takeishi in view of Yoshii et al., Takahashi et al., Iizumi, and Huang in that claim 12 recites a combination of elements including, for example “at least one elastically deformable region, wherein the at least one device component is selectively exposable by the at least one elastically deformable region.” Neither Takeishi, Yoshii et al., Takahashi et al., Iizumi, nor Huang, singly or in combination, teaches or suggests at least this feature of the claimed invention. Accordingly, Applicants respectfully submit that claims 13 and 17-20, which depend from claim 12, is also allowable over Takeishi in view of Yoshii et al., Takahashi et al., Iizumi, and Huang.

Further, claim 12 was rejected in a manner similar to that in which claims 1 and 7 were rejected. Accordingly, the arguments and requests set forth above with respect to claims 1 and 7 are equally applicable to the rejection of claim 12.

The rejection of claims 21-26 under 35 U.S.C. § 103(a) as being unpatentable over Takeishi in view of Yoshii et al. and Imaeda is respectfully traversed and reconsideration is requested.

Claim 21 is allowable over Takeishi in view of Yoshii et al. and Imaeda in that claim 21 recites a combination of elements including, for example “a printed circuit board (PCB) fitted to the display module; and a shield cover on the PCB, the shield cover including at least one elastically deformable region.” Neither Takeishi, Yoshii et al., nor Imaeda, singly or in combination, teaches or suggests at least this feature of the claimed invention. Accordingly,

Applicants respectfully submit that claims 22-26, which depends from claim 21, is also allowable over Takeishi in view of Yoshii et al. and Imaeda.

Further, claim 21 was rejected in a manner similar to that in which claims 1, 7, and 12 were rejected. Accordingly, the arguments and requests set forth above with respect to claims 1, 7, and 12 are equally applicable to the rejection of claim 21.

Applicants believe the application in condition for allowance and early, favorable action is respectfully solicited. Should the Examiner deem that a telephone conference would further the prosecution of this application, the Examiner is invited to call the undersigned attorney at (202) 496-7500.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136. Please credit any overpayment to deposit Account No. 50-0911.

Respectfully submitted,

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